

No. 25-1575

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

The Sustainability Institute, *et al.*,
Plaintiffs-Appellees

v.

Donald J. Trump, *et al.*,
Defendants-Appellants

On Appeal from the United States District Court
for the District of South Carolina

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE U.S. SENATOR SHELDON WHITEHOUSE IN
SUPPORT OF PLAINTIFFS-APPELLEES SUPPORTING
REHEARING PETITION AND PETITION FOR INITIAL
HEARING EN BANC**

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Pursuant to Rule 29 of the Federal Rules of Appellate Procedure, U.S. Senator Sheldon Whitehouse respectfully seeks leave to file a brief as *amicus curiae* in support of Plaintiffs-Appellees' petitions for rehearing and initial hearing en banc. Senator Whitehouse is filing this brief with the consent of all parties.

In support of this motion, Senator Whitehouse states:

1. As a member of the legislative branch, Senator Whitehouse has an acute interest in safeguarding Congress's exclusive legislative authority.
2. Senator Whitehouse has long worked to bring attention to the dire threats posed by climate change. *See, e.g.*, Senator Sheldon Whitehouse, *Time to Wake Up* 271: *Recent Reports* (Sept. 15, 2020), <https://www.youtube.com/watch?v=LSZ3xOFpG84&list=PLhyg5hj7I21jr7tP--id5EmMTmpTbdlw1&index=33>.
3. Senator Whitehouse is the ranking member of the Senate Environment and Public Works ("EPW") Committee, which has jurisdiction over significant portions of the funding at issue in this case. During debate and passage of the Inflation Reduction Act ("IRA") and the Infrastructure Investment and Jobs Act ("IIJA"), he

was a senior member of the Budget and EPW Committees and authored several provisions of each statute.

4. Due to his longstanding focus on climate change and his status as a United States Senator, Senator Whitehouse has an interest in seeing IRA and IIJA funds distributed in accordance with legislative mandates.
5. Based on this experience, Senator Whitehouse is in a unique position to assist this Court in the consideration of the issues before it and submits this brief to demonstrate to the Court the importance of its decision to the constitutional separation of powers.

DATE: June 17, 2025

Respectfully submitted,

/s/ Robert S. Peck
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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font.

I further certify pursuant to Fed. R. App. P. 27(d)(2)(A) that this brief contains 255 words, excluding exempted portions, according to the count of Microsoft Word.

/s/ Robert S. Peck]
Robert S. Peck

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2025, the foregoing amicus brief was electronically filed with the Clerk of Court using the CM/ECF system, which will cause a copy of this motion to be served upon all attorneys of record in this matter.

/s/ Robert S. Peck
Robert S. Peck